



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.22940 of 2022

WEB COPY

1. Bagavathi Raj @ Bagavathi Ramesh,
2. Thangapalanikumar @ Kupakuruchi Kumar ... Petitioners/
Accused Nos.1 & 2

Vs

The State Rep.by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
(Crime No.681 of 2022).

... Respondent/Complainant

Jeni ... Petitioner / Complainant
in Crl.MP(MD)No.96 of 2023

For Petitioner : M/s.Jegadeesha Pandian.V.M,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Anand, Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

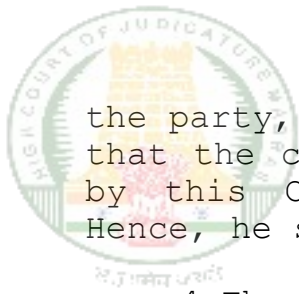
PRAYER :-For Anticipatory Bail in Crime No.681 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448, 427 and 506(2) of I.P.C., in Crime No.681 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Jeni, is that he is a Secretary in AIADMK, Palayamkottai North Division, due to political animosity, on 19.12.2022, the accused persons had assembled unlawfully, trespassed into the office of the de-facto complainant and caused damage to the articles and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners and the de-facto complainant are practising Advocates and they belong to the same party and due to a factional rivalry in



the party, a false complaint has been given. He would further submit that the co-accused in this case, A3 and A4 have been granted bail by this Court in Crl.O.P.(MD)No.778 of 2023, dated 11.01.2023. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioners and the de-facto complainant are Advocates and they belong to the same political party and on account of a factional rivalry in respect of sticking wall posters, the accused have trespassed into the office of the de-facto complainant and have damaged the office articles to the worth of Rs.40,000/- and he would oppose for grant of anticipatory bail.

5.The learned counsel for the intervenor would submit that the accused knowing well that it is the office of the de-facto complainant, they have trespassed into the de-facto complainant's office and caused damage to the articles worth about Rs.40,000/-. He would further submit that luckily the de-facto complainant was not present at the scene of occurrence or else he would have been done to death and he would oppose for grant of anticipatory bail.

6.In reply, the learned counsel for the petitioners would submit that without prejudice to their defence, each of the petitioners is ready to deposit Rs.20,000/- to the credit of Crime No.681 of 2022 before the learned Judicial Magistrate Court-I, Tirunelveli.

7.Heard. Perused the materials available on record including the First Information Report.

8.Taking into consideration the facts and the submissions made by the learned counsels and that the petitioners are ready to deposit Rs.20,000/- each to the credit of Crime No.681 of 2022 before the trial Court, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

9.Accordingly, each of the petitioners shall pay a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.681 of 2022 before the learned Judicial Magistrate Court No-I, Tirunelveli**, without prejudice to their rights and contentions before the trial Court and on such deposit being made, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

